



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Thirteenth day of February Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1551 of 2019

EPANECHAR IMMANUVEL @ IMMANUVEL EPANECHAR

... PETITIONER / 1st ACCUSED

Vs

THE STATE BY
THE INSPECTOR OF POLICE,
KALAKKAD POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.20 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.D.VENKATESH Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

For Intervener : MR.H.ILANGO, Advocate

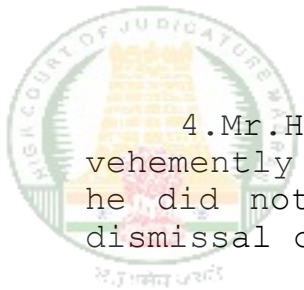
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 147 and 148 IPC r/w Section 3(1) of the TNPPDL Act, 1992 in Cr.No.20 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant has purchased the land from the petitioner's mother-in-law and thereafter, the defacto complainant fenced their land worth about Rs.10,00,000/- (Rupees Ten Lakh only). In order to claim the property, the petitioner is said to have damaged the defacto complainant's property. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He further submitted that the petitioner is ready to deposit a sum of Rs.1,56,600/- (Rupees One Lakh Fifty Six Thousand and Six Hundred only) assessed by the respondent Police through one Rajaiah, Civil Engineer, dated 22.01.2019 to the credit of Crime No. 20 of 2019 before the learned Judicial Magistrate, Nanguneri and the learned Magistrate shall disburse the amount to the defacto complainant, without filing proper application.



4.Mr.H.Elango, the learned counsel appearing for the intervenor vehemently opposed to grant anticipatory bail to the petitioner and he did not file any petition to intervene and he would pray for dismissal of this petition.

5.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the if the petitioner come forward to deposit substantial amount, the petitioner's bail application may be considered.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner himself come forward to deposit an amount to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nanguneri, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders ;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

13/02/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
NANGUNERI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
KALAKKAD POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.VENKATESH Advocate SR.No. 3075

+1. C.C. to M/S.H.ELANGO, Advocate SR.No. 47577

ORDER

IN

CRL OP(MD) No.1551 of 2019

Date :13/02/2019

JM/VR/SAR 4/21.02.2019/3P/7C